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EVA HANGARTNER

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

EVA HANGARTNER,

Plaintiff,

v.

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY; JENNIFER WIDOM, In
her Individual Capacity,

Defendants.

CASE NO.

Civil Rights

**COMPLAINT FOR INJUNCTIVE RELIEF
AND DAMAGES**

- 1. Violation of the Americans with Disabilities Act Title III [42 U.S.C. § 12182(a), *et seq.*]**
- 2. Violation of the Americans with Disabilities Act Title V [42 USC § 12203]**
- 3. Violation of the Rehab Act of 1973 [29 U.S.C. 794, *et seq.*]**
- 4. Denial of Full and Equal Access [Cal. Civil Code §§ 54, *et seq.*]**
- 5. Violation of the Unruh Act [Cal. Civil Code § 51, *et seq.*]**

DEMAND FOR JURY TRIAL

INTRODUCTION

1. Defendant The Board of Trustees of the Leland Stanford Junior University (Stanford) is discriminating against its student, Plaintiff Eva Hangartner (Plaintiff), and other persons with visual disabilities. Plaintiff is an undergraduate student who is legally blind. Despite knowing that Plaintiff is legally blind, and despite her written reasonable

1 accommodation requests, her college and her professor, Defendant Jennifer Widom (Widom),
2 denied her equal access to the classroom. When Plaintiff tried to advocate to receive the
3 accommodations that Stanford acknowledged she needed for her education, Widom and Stanford
4 retaliated against her by filing a disciplinary complaint against her. Widom told Plaintiff that
5 because of her disability she should take “easier” classes or transfer to community college,
6 suggesting that her disability disqualified her from a Stanford education. Widom has treated
7 other students with disabilities with similar disdain while Stanford looks the other way.

8 2. Stanford and Widom denied Plaintiff full and equal educational opportunities as
9 required by federal and State law. They denied her reasonable accommodations based on
10 disability. Plaintiff therefore brings this lawsuit to hold Defendants accountable. She seeks an
11 order requiring Stanford to change its policies and practices to ensure equal educational
12 opportunity and to prevent retaliation against students who advocate for their rights as students
13 with disabilities and to enact training and a disciplinary system to hold all employees including
14 all educators accountable for compliance with their obligations under state and federal law. She
15 also seeks damages in compensation for her injuries caused by Defendants’ violations of law.

16 17 JURISDICTION

18 3. This Court has original jurisdiction of this action under the Americans with
19 Disabilities Act of 1990, 42 U.S.C. §§12101 *et seq.*, the Rehab Act, 29 U.S.C. 794, *et seq.*,

20 4. The Judicial District of the United States District Court for the Northern District
21 of California has supplemental jurisdiction over the State law claims alleged in this Complaint
22 pursuant to 28 U.S.C. §1367(a). All the claims derive from a common nucleus of operative facts
23 and arose out of the same transactions. The State law claims are so related to the federal action
24 that they form part of the same case or controversy and the actions would ordinarily be expected
25 to be tried in one judicial proceeding.

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VENUE

5. Venue in the Judicial District of the United States District Court for the Northern District of California is in accordance with 28 U.S.C. §1391(b) because Plaintiff's claims arose within this Judicial District and the property that is the subject of this action is located in this District in the City of Palo Alto, California.

THE PARTIES

6. At all times relevant to this Complaint, Plaintiff was an undergraduate student enrolled at Stanford University, pursuing her Bachelors of Arts degree. At all times relevant Plaintiff was a person with a disability as defined in 42 U.S.C. § 12102 and California Government Code § 12926(l). She is legally blind. Her condition substantially limits the major life activity of all activities that require sight, including reading, writing, studying and participating in class. Plaintiff cannot perform these activities in the same manner as the average person. Moreover, Plaintiff has a history of and/or has been diagnosed and/or classified as having a physical impairment.

7. Stanford is a privately-owned and operated, nonprofit university with facilities in Stanford and Palo Alto, California. It is a California nonprofit public benefit corporation. Based upon a review of publicly available records, Plaintiff is informed and believes and thereupon alleges that Stanford University is owned and operated by Stanford. Based on publicly available records Plaintiff is informed and believes and thereupon alleges that Stanford receives federal financial assistance within the meaning of the Rehab Act of 1973, 29 U.S.C. 794, *et seq.*

8. Defendant Stanford is the owner, operator, lessee and/or lessor of Stanford University as a public accommodation under the laws of the United States and the State of California. During all times relevant to the Complaint, Defendant Stanford is, and operates the university as, a business establishment under the laws of the State of California because it provides goods, services and/or facilities in exchange for money.

9. Defendant Widom is a professor of computer science and of electrical engineering at Stanford University. She has been Dean of the School of Engineering since 2017.

1 even more critical in this academic quarter because of the remote learning environment where
2 Plaintiff attended class by computer from her home in New York.

3 15. From the beginning of the 2020, all classes were taught by Zoom. In the first
4 week of CS102, it became clear to Plaintiff that Widom's presentation materials were not
5 accessible to her.

6 16. After the first class, Plaintiff spoke with one of Widom's Teaching Assistants
7 (TA's) (Tara) at a "bootcamp" set up for students to learn to learn to use Google Sheets. At
8 Plaintiff's request, the TA (Tara) easily adjusted the cursor size so that she (Plaintiff) could see
9 it. At the second class the next day, Widom complained repeatedly about having to use the larger
10 cursor making Plaintiff feel alienated for having to ask for this needed accommodation.

11 17. The second week of class, Plaintiff spoke with another one of Widom's (Leo
12 Mehr) regarding how to make Google Sheets accessible by making various adjustments built into
13 the program. Leo agreed to make the changes and that they were reasonable and said that Widom
14 would implement them for the next class.

15 18. Defendant Widom refused to accommodate Plaintiff. Widom refused to listen and
16 refused to engage in any further discussion of accommodating Plaintiff's need. Plaintiff went to
17 OAE to ask for their assistance, but OAE did not enforce the reasonable accommodation request
18 with Defendant Widom, even though OAE and Defendant Widom's head TA Leo Mehr
19 acknowledged they were reasonable accommodations that Plaintiff needed in order to receive her
20 education.

21 19. After sitting through another inaccessible class on April 14, 2020, Plaintiff
22 decided to speak directly with Widom. Plaintiff waited until the end of instruction and until all
23 student's questions were answered. She then asked, again, that her needs for access be honored
24 as had been promised. Widom refused. Plaintiff became visibly upset that her concerns were
25 being ignored by Widom and expressed her frustration over Widom's denial of her needed
26 accommodations.

27 20. After the exchange on April 14th, Widom "invited" Plaintiff to Widom's office
28 hours (again conducted by Zoom) to discuss Plaintiff's concerns. Plaintiff's Disability Advisor at

1 OAE (Ake Saethia) offered to join the call to act as mediator.

2 21. Prior to the call, Plaintiff learned that, in addition to Widom and Mr. Saethia,
3 Carleigh Kude (Mr. Saethia's supervisor at OAE) would also be also present. Feeling
4 overwhelmed, Plaintiff asked her mother to join the call for support.

5 22. On the call, Widom stated that Plaintiff's need for accommodation was "none of
6 her (Widom's) concern." Widom claimed that accommodating Plaintiff was a "undue burden" to
7 her (Widom). When Plaintiff attempted to show Widom how to eliminate the "undue burden"
8 Widom repeatedly stated that she "did not have time" for the meeting she requested because
9 other students were waiting to speak with her. Widom complained that she had 10 disabled
10 students in her class (of 140 students) and she could not accommodate "all of them." Widom
11 suggested that Plaintiff "could not handle" CS 102 and that maybe she should take an easier class
12 or that she should go to a community college instead. Widom then abruptly left the meeting.

13 23. After Widom's departure, Plaintiff, her mother, Ms. Kude, and Mr. Saethia started
14 a separate Zoom call at which time Mr. Saethia offered their continuing support and suggested
15 that Plaintiff obtain a visual descriptionist and they advised Plaintiff to file a grievance against
16 Widom. They also offered to get Plaintiff a copy of the recording of the April 14th class to help
17 her with her grievance.

18 24. As the first exam in CS 102 approached, Plaintiff inquired via an online secure
19 message board (Piazza) how the exam would be formatted and she reminded Widom of her
20 accommodations in the LA. The message board confirmed that four instructors viewed Plaintiff's
21 posting. But the only response was from Mr. Mehr who stated that the exam format had not yet
22 be "finalized."

23 25. On May 12, 2020 at 16:25 pm (EST), Plaintiff received an email containing the
24 exam and instructions to open it and start the test at 16:30pm. When Plaintiff opened the exam,
25 she learned it was not accessible. She attempted to use her computer to manipulate the exam but
26 the format would not allow it.

27 26. After ten minutes, Plaintiff opened a Zoom link provided for questions during this
28 timed exam. Widom was present along with multiple TA's. When Plaintiff explained that she

1 could not see the exam, Widom interrupted her and said, again, that her accommodations were
2 not Widom's or her TA's concern. Widom said she (Plaintiff) would have to arrange
3 accessibility with OAE during the timed exam.

4 27. After 90 minutes of exam time, Plaintiff still had not received an exam she could
5 read. Widom then insisted (through OAE) that Plaintiff take the exam "immediately." This left
6 less time for Plaintiff to take the exam than sighted students (or students without an LA) when
7 per her LA, she was entitled for 50% more time. When Plaintiff refused to take the exam without
8 her accommodations, OAE (once again) said that her only option was to file a grievance with the
9 Office of Diversity and Access.

10 28. Rather than file a grievance, Plaintiff reached out Rosa Gonzalez, the ADA
11 Compliance Officer for Stanford and with Ombudsman Brenda Berlin. Both suggested Plaintiff
12 reach out to Widom directly. On May 15, 2020, Plaintiff did reach out to Widom through online
13 posting on Piazza proposing a meeting to seek a solution and to be given an opportunity to take
14 the exam. Widom responded through the TAs that Plaintiff should just file a grievance.

15 29. May 18, 2020, Widom "doubled down" on her discriminatory behavior by filing a
16 "Letter of Concern" with the Office of Community Standards regarding Plaintiff's "behavior"
17 which initiated a disciplinary proceeding against Plaintiff. Plaintiff is informed, believes and
18 thereon alleges, that Widom filed the "Letter of Concern" as a preemptive measure to the
19 grievance Plaintiff was advised to file against Widom (which Plaintiff never filed).

20 30. Plaintiff asked Stanford to provide her with recordings of the Zoom classes and
21 other documents so that she could provide the evidence to show Defendant Widom's allegations
22 were unfounded, and that Defendant Widom had violated Stanford's reasonable accommodation
23 policies. Stanford required Plaintiff to make a formal FERPA application, then told her that she
24 could not have copies of the documents, photograph or otherwise record them, or share them
25 with any other person. Stanford effectively prevented Plaintiff from defending herself against
26 Defendant Widom's accusations.

27 31. On May 18th, 2020, Plaintiff spoke with office of Vice Provost Susie Brubaker-
28 Cole regarding the "Letter of Concern" filed by Widom. VP Brubaker-Cole told Plaintiff that

1 Plaintiff's actions did not rise to the level of a filing of a "Letter of Concern" and she promised
2 to have Mona Hicks, a colleague, contact Plaintiff.

3 32. Ms. Hicks affirmed that Plaintiff's actions should not have been addressed by a
4 "Letter of Concern" and promised to get back to Plaintiff. She was encouraged to be "patient."

5 33. Ultimately, OCS closed the disciplinary proceeding without any discipline of
6 Plaintiff. However, it did not notify Plaintiff of that decision nor did it inform Plaintiff that the
7 hold on Plaintiff's student account had been lifted until October of 2020.

8 34. The stress and effort of fighting the school for an equal education took such a toll
9 on Plaintiff that she decided she could not return to campus. Given Covid, Stanford has initiated
10 a "Flex Term" of which Plaintiff availed herself. She took the Fall Quarter off to do an internship
11 at the United Nations in Switzerland and was enrolled online in one class. She is still an enrolled
12 Student at Stanford, planning to return online in January 2021 and to campus for the Spring
13 Quarter 2021. Over the summer and Fall, Stanford made no effort to ensure Plaintiff that when
14 she returns to campus it will support her education or guarantee her accommodations are
15 respected by her professors. Plaintiff is frustrated and frightened that her academic career will be
16 impeded, not by her disability, but by Stanford's failure to grant her equal rights to education
17 guaranteed by law.

18 35. Defendants' behavior is intentional and deliberate. Their hypocrisy is patent. At
19 the same time Defendant Widom refused to make her class accessible to Plaintiff, Stanford's
20 website posted the following words attributed to Defendant Widom: "Over the past few years,
21 our graduate programs in Stanford Engineering have doubled down on identifying and recruiting
22 the very best students from the most diverse possible pool. . . . W[e] have made great strides in
23 increasing the diversity of our engineering student population while maintaining our high
24 standard of excellence. As our population shifts, we are also building programs and initiatives to
25 create a more inclusive environment — a culture in which we support all of our students as
26 essential members of our community. Supporting all of our students is critical. . . . Our goal is to
27 have a robust set of programs and structures so that all of our students can thrive at Stanford."
28 <https://engineering.stanford.edu/supporting-our-diverse-population>, last visited December 5,

1 2020.

2 36. Plaintiff is informed, believes and thereon alleges that Widom has refused to
3 accommodate the needs of other students with disabilities (including students with visual
4 disabilities) and that those students have made similar complaints to Stanford which, like
5 Plaintiff's complaints, have been ignored. Therefore, Stanford has ratified Widom's intentional
6 discrimination of students with disabilities in her classroom.

7 37. Defendants' lip service to diversity is not borne out by their hostile response to a
8 student asking for accommodation. Unless the Court intervenes, Stanford and Defendant Widom
9 will continue their pattern and practice of discrimination against people with disabilities like
10 Plaintiff.

11 38. Plaintiff requests the Court enforce Congress' national mandate to ensure equal
12 access to people with disabilities, including equal access to elite education and institutions.
13 Plaintiff seeks a permanent injunction ordering Stanford and Defendant Widom to grant her
14 reasonable accommodations, implement lawful policies and practices for making reasonable
15 accommodations, train Dean Widom and all undergraduate faculty in their obligation to ensure
16 equal access to a Stanford education and enforce discipline against Professors who violate the
17 Americans with Disabilities Act. Plaintiff also seeks damages for the injuries Defendants have
18 caused and reimbursement for the attorney fees, litigation expenses and costs she has been forced
19 to incur in order to ensure her equal rights under law.

20
21 **FIRST CLAIM**
22 **AGAINST STANFORD FOR VIOLATION OF ADA TITLE III**
(STANFORD ONLY)

23 39. Based upon the facts and allegations pled in this Complaint (which Plaintiff re-
24 pleads and incorporates herein by reference), Plaintiff was denied full and equal enjoyment of
25 and access to Defendant's goods, services, facilities, privileges, advantages or accommodations
26 in violation of the Americans with Disabilities Act (ADA).

27 40. Stanford owns, leases and/or operates a public accommodation as defined in 42
28 U.S.C. section 12181(7). It is a public accommodation because it is a "undergraduate, or

1 postgraduate private school, or other place of education.” 42 U.S.C.A. § 12181.

2 41. Plaintiff at all times material to this action, had diagnoses of a vision impairment
3 which substantially limits major life activities.

4 42. Plaintiff was otherwise qualified to receive services from Defendant as she was
5 admitted and performed well when she received her accommodations.

6 43. Defendants failed to reasonably accommodate Plaintiff and discriminated against
7 Plaintiff as alleged above. Further, Defendant refused to provide Plaintiff with auxiliary aids and
8 services necessary to meet her special communication needs.

9 44. Stanford and Widom have engaged in policies, practices and customs that
10 discriminate against disabled students on a programmatic and systemic basis.

11 45. Plaintiff’s harms and losses are ongoing so long as Defendants do not modify
12 their policies and procedures and provide full access for Plaintiff and other persons with hearing
13 disabilities.

14 46. Plaintiff has no adequate remedy at law to compensate her for the loss of
15 opportunity for full and equal access to the services, programs and activities provided by
16 Defendants. Accordingly, Plaintiff alleges that a prohibitory or mandatory injunction is
17 necessary to assure that Defendant complies with the applicable requirements of the ADA.

18 WHEREFORE, Plaintiff requests relief as outlined below.

19
20 **SECOND CLAIM**
21 **FOR VIOLATION OF ADA TITLE V**
(WIDOM ONLY)

22 47. Plaintiff incorporates and re-alleges each and every allegation set forth in the
23 preceding paragraphs.

24 48. By filing a “Letter of Concern” and thereby initiating a disciplinary proceeding
25 against Plaintiff because Plaintiff asserted her rights under the ADA, Defendant Widom
26 retaliated against Plaintiff in violation of 42 USC § 12203(a).

27 49. Widom’s actions were unjustified and suspiciously timed soon after Widom
28 became aware that Plaintiff was considering filing a grievance against Widom due to Widom’s

1 refusal to accommodate Plaintiff and to adhere to the accommodations given Plaintiff by OAE.

2 50. Plaintiff's harms and losses are ongoing so long as Defendants do not modify
3 their policies and procedures and provide full access for Plaintiff and other persons with visual
4 disabilities.

5 51. Plaintiff has no adequate remedy at law to compensate her for the loss of
6 opportunity for full and equal access to the services, programs and activities provided by
7 Defendants. Accordingly, Plaintiff alleges that a prohibitory or mandatory injunction is
8 necessary to assure that Defendant complies with the applicable requirements of the ADA.

9 WHEREFORE, Plaintiff requests the relief set forth below.

10
11 **THIRD CLAIM**
12 **FOR VIOLATION OF THE REHABILITATION ACT OF 1973**
13 **(STANFORD ONLY)**

14 52. Based on the facts and allegations pled in this Complaint (which Plaintiff re-pleads
15 and incorporates herein by reference), Plaintiff has been and continues to be excluded from the
16 participation in, be denied the benefits of, or be subjected to discrimination by Stanford
University, a program receiving Federal financial assistance.

17 53. Section 504 of the Rehabilitation Act of 1973 provides in relevant part: "[N]o
18 otherwise qualified individual with a disability shall, solely by reason of her or his disability, be
19 excluded from the participation in, be denied the benefits of, or be subjected to discrimination
20 under any program or activity receiving federal financial assistance" 29 U.S.C. § 794; 24 C.F.R. §
21 8.4(a). Such programs and activities are prohibited from discriminating against qualified
22 individuals with disabilities because a "recipient's facilities are inaccessible to or unusable by
23 individuals with handicaps." *see* 24 C.F.R. § 8.20.

24 54. Upon information and belief, at all times relevant to this action, Stanford was a
25 recipient of federal funding within the meaning of Section 504 of the Rehabilitation Act ("Section
26 504").

27 55. As a recipient of federal funds, Stanford must operate its facilities so that the
28 program or activity, when viewed in its entirety, is readily accessible to and usable by individuals

1 with disabilities. 24 C.F.R. § 8.24.

2 56. Plaintiff is a qualified individual with a disability within the meaning of Section
3 504 and is “otherwise qualified” to participate in Defendant’s program, *i.e.*, to attend school and
4 be a tenant of Defendant.

5 57. Defendant has intentionally violated Section 504 by discriminating against disabled
6 persons, including Plaintiff by, among other things:

- 7 a. Failing to grant reasonable accommodation requests;
- 8 b. Failing to implement lawful reasonable accommodation policies;
- 9 c. Failing to make its educational program accessible to and usable by students
10 with disabilities;
- 11 d. Failing to discipline Widom for her refusal to provide or allow accommodations
12 awarded to Plaintiff by OAE and for retaliation against Plaintiff.

13 58. As a direct and proximate result of Stanford’s failure to accommodate and
14 discriminate against Plaintiff, Plaintiff has suffered general damages, including embarrassment,
15 humiliation, emotional distress, along with economic damages and lost wages/earning potential
16 in an amount according to proof.

17 59. Defendants’ stubborn refusal to provide Plaintiff and other disabled students with
18 equal access to its educational services, programs and activities, when on actual notice of
19 Plaintiff’s need and in the face of Plaintiff’s written request, demonstrates a knowing and
20 conscious disregard for the law in general and the rights of disabled students in particular. Such
21 conduct justifies an award of punitive and exemplary damages in addition to all other relief
22 sought.

23 60. Plaintiff’s harms and losses are ongoing so long as Defendants do not modify their
24 policies and procedures and provide full access for Plaintiff and other persons with hearing
25 disabilities.

26 61. Plaintiff has no adequate remedy at law to compensate her for the loss of
27 opportunity for full and equal access to the services, programs and activities provided by
28 Defendants. Accordingly, Plaintiff alleges that a prohibitory or mandatory injunction is necessary

1 to assure that Defendant complies with the applicable requirements of the Rehab Act.

2 WHEREFORE, Plaintiff requests relief as outlined below.

3
4 **FOURTH CLAIM**
5 **VIOLATION OF THE CALIFORNIA DISABLED PERSONS ACT**
6 **(ALL DEFENDANTS)**

7 62. Based on the facts and allegations pled in this Complaint (which Plaintiff re-
8 pleads and incorporates herein by reference), Plaintiff alleges that Defendants have discriminated
9 against Plaintiff under sections 54 and 54.1 of the California Civil Code. At all times relevant to
10 this Action, California Civil Code sections 54 and 54.1 have provided that physically disabled
11 persons are not to be discriminated against because of their physical disabilities.

12 63. Plaintiff is an individual with a disability as defined in California Government
13 Code section 12926.

14 64. Each defendant has violated the ADA (see First and Second Claims above) and
15 any violation of the ADA is also a violation of the DPA pursuant to Cal. Civil Code § 54(c).
16 Further, each defendant has separately violated Plaintiff's right to "full and equal access" to
17 "private schools" under Cal. Civil Code 54.1(a)(1).

18 65. Section 54.3 of the California Civil Code provides that any person, firm or
19 corporation that denies or interferes with the admittance to or enjoyment of the public facilities
20 as specified in sections 54 or 54.1 thereof or who otherwise interferes with the rights of an
21 individual with a disability under sections 54 or 54.1 shall be liable for each such offense for the
22 actual damages, and up to three times actual damages, but in no case less than \$1,000, and such
23 attorneys' fees as may be determined by the Court.

24 66. Defendant's stubborn refusal to provide Plaintiff and other disabled students with
25 accessible communication, particularly when on actual notice of Plaintiff's need and in the face of
26 Plaintiff's written request, demonstrates a knowing and conscious disregard for the law in general
27 and the rights of disabled students in particular. Such conduct justifies an award of punitive and
28 exemplary damages in addition to all other relief sought.

67. As a result of Defendant's acts and omissions, Plaintiff suffered actual harms and

1 losses as set forth above.

2 WHEREFORE, Plaintiff prays for damages as hereinafter stated.

3
4 **FIFTH CLAIM**
5 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**
6 **(ALL DEFENDANTS)**

7 68. At all times relevant to this action, section 51 of the California Civil Code known
8 as the Unruh Civil Rights Act (Unruh) has provided that physically disabled persons are not to be
9 discriminated against because of their physical disabilities.

10 69. Based on the facts and allegations pled in this Complaint (which Plaintiff re-
11 pleads and incorporates herein by reference), Plaintiff alleges that Defendant has discriminated
12 against Plaintiff and violated Plaintiff's rights under section 51 of the California Civil Code.

13 70. Plaintiff is a person with a disability as defined by section 12926 of the California
14 Government Code.

15 71. Defendant Stanford is a business establishment as defined in the Unruh Act.

16 72. Each defendant has violated the ADA (see First and Second Claims above) and any
17 violation of the ADA is also a violation of Unruh.

18 73. Plaintiff's harms and losses are ongoing so long as Defendants do not modify
19 their policies and procedures and provide full access for Plaintiff and other persons with hearing
20 disabilities.

21 74. Plaintiff has no adequate remedy at law to compensate her for the loss of
22 opportunity for full and equal access to the services, programs and activities provided by
23 Defendants. Accordingly, Plaintiff alleges that a prohibitory or mandatory injunction is
24 necessary to assure that Defendant complies with the applicable requirements of the ADA and
25 Unruh.

26 75. California Civil Code section 52(a) provides as follows:

27 (a) Whoever denies, aids or incites a denial, or makes any discrimination or
28 distinction contrary to Section 51, 51.5, or 51.6, is liable for each and every offense
for the actual damages, and any amount that may be determined by a jury, or a
court sitting without a jury, up to a maximum of three times the amount of actual
damage but in no case less than four thousand dollars (\$4,000), and any attorney's

1 fees that may be determined by the court in addition thereto, suffered by any person
2 denied the rights provided in Sections 51, 51.5, or 51.6.

3 WHEREFORE, Plaintiff prays for relief as hereinafter stated.

4
5 **PRAYER FOR RELIEF**

6 A. For injunctive relief pursuant to the ADA, 42 U.S.C. section 12188, the Rehab Act,
7 29 U.S.C. section 794, and the Unruh Act, section 52 of the California Civil Code. Plaintiff does
8 not seek an injunction under Civil Code section 55. Plaintiff requests that this Court enjoin
9 Defendants from continuing to do business until it removes all communication and policy barriers
10 and otherwise complies with the federal and State antidiscrimination laws or in the alternative, that
11 this Court issue a mandatory injunction requiring Defendants immediately to:

- 12 a. Implement lawful reasonable accommodation policies and procedures regarding
13 reasonable accommodations and the provision of auxiliary aids and services;
14 b. Conduct training of all staff including all professors and aids;
15 c. Implement a system of discipline for those who violate the aforementioned
16 policies.

17 B. For actual damages pursuant to The Rehab Act and California Civil Code sections
18 52, 54.3, 3281 and 3333;

19 C. For a trebling of actual damages, but in no event less than \$4,000 in damages
20 pursuant to California Civil Code section 52 for each and every violation of California Civil Code
21 section 51;

22 D. In the alternative to the damages pursuant to California Civil Code section 52 in
23 Paragraph B above, for a trebling of actual damages, but in no event less than \$1,000 in damages
24 pursuant to California Civil Code section 54.3 for each and every violation of California Civil
25 Code section 54.1 and/or California Civil Code section 54;

26 E. For attorneys' fees and costs pursuant to the ADA, The Rehab Act, California Civil
27 Code §52, California Civil Code §54.3, and California Code of Civil Procedure §1021.5; and

28 F. For such other further relief as the Court deems proper.

1 Date: January 21, 2021

DERBY, McGUINNESS & GOLDSMITH, LLP

2
3 /s/Steven L. Derby

4 By: Steven L. Derby, Esq.
5 Attorneys for Plaintiff
6 EVA HANGARTNER

7 **DEMAND FOR JURY**

8 Plaintiff hereby demands a jury for all claims for which a jury is permitted.
9

10 Date: January 21, 2021

DERBY, McGUINNESS & GOLDSMITH, LLP

11 /s/Steven L. Derby

12 By: Steven L. Derby, Esq.
13 Attorneys for Plaintiff
14 EVA HANGARTNER
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